



0000002580

ORIGINAL

19

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

MARC SPITZER
CHAIRMAN
MIKE GLEASON
COMMISSIONER
JEFF HATCH-MILLER
COMMISSIONER
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

2003 MAR 12 A 10: 33

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

MAR 12 2003

IN THE MATTER OF THE GENERIC
INVESTIGATION INTO U S WEST
COMMUNICATIONS, INC.'S NKA QWEST
CORPORATION COMPLIANCE WITH CERTAIN
WHOLESALE PRICING REQUIREMENTS AND
RESALE DISCOUNTS

DOCKET NO.

DOCKETED BY

T-00000A-00-0194

and

ARIZONA CORPORATION COMMISSION
Complainant,

DOCKET NO. T-01051B-02-0871

and

vs.

QWEST CORPORATION,
Respondent

MOUNTAIN TELECOMMUNICATIONS, INC.
Complainant,

DOCKET NO. T-01051B-03-0092

vs.

QWEST CORPORATION,
Respondent

MOTION TO POSTPONE PROCEDURAL CONFERENCE

Mountain Telecommunications, Inc. (MTI), by its attorneys, hereby moves the presiding hearing officer in the above-captioned docketed proceedings to postpone the Procedural

Conference presently scheduled to be held on March 13, 2003 until March 25, 2003. In support of this Motion, MTI states as follows:

On March 5, 2003, Assistant Chief Administrative Law Judge, Dwight D. Nodes, issued a Procedural Order in the three above-captioned docketed proceedings. In the Procedural Order, the presiding hearing officer scheduled a Procedural Conference to be held March 13, 2003 at 1:30 p.m., at the offices of the Commission. The stated purpose for the Procedural Conference is to discuss the issues described in the Procedural Order and the various motions pending in these dockets.

Among the pending motions are two motions for injunction filed by MTI. On January 17, 2003, MTI filed a motion for injunction in Docket Nos. T-00000A-00-0194 and T-01051B-02-0871. On February 14, 2003, concurrent with filing a complaint against Qwest Corporation (Qwest), MTI filed a motion for preliminary injunction. As noted in the Procedural Order, both injunction motions request that the Commission enjoin Qwest from charging unlawful rates for unbundled network elements, specifically transport and Local Interconnection Service, pending a final decision by the Commission in Phase III of Docket No. T-00000A-00-0194 regarding transport rates. MTI's January 17 injunction motion was opposed by Qwest and by AT&T, but was supported by Time Warner Telecom of Arizona which concurred with MTI's assertions about the increases in Qwest's transport rates following its implementation of Decision 64922.

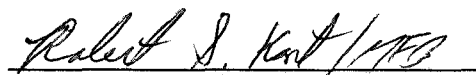
On March 7, 2003 – two days following issuance of the Procedural Order – Commission Staff filed its Response to the Motions of MTI, Qwest and Time Warner. In its Response, Staff has recommended that the Commission reopen the record of Phase II to address the issue raised by MTI and Time Warner. Staff's recommendation is based on its determination that application

of the combined transport and entrance facility rate is producing an unexpected and unreasonable rate increase not contemplated by the Phase II Order (Decision 64922).

Pursuant to Rule 7.1(a) of the Arizona Rules of Civil Procedure, moving parties are afforded five days to reply to responses to motions. If responses are served by mail, an additional five calendar days are added. Thus, movants' replies to Staff's Comments would be due on March 19, 2002. In order to afford movants and the presiding hearing officer a full opportunity to study those replies prior to the Procedural Conference, MTI respectfully moves that the Procedural Conference be postponed until March 25, 2003. Undersigned counsel has contacted counsel for Staff, Qwest, AT&T and Time Warner Telecom of Arizona, each of whom has indicated no objection to this motion.

Respectfully submitted,

MOUNTAIN TELECOMMUNICATIONS, INC.



Robert S. Kant
E. Jeffrey Walsh

GREENBERG TRAURIG, LLP
2375 East Camelback Road
Suite 700
Phoenix, AZ 85016
(602) 445-8000

Of Counsel:

Mitchell F. Brecher
Debra McGuire Mercer

GREENBERG TRAURIG, LLP
800 Connecticut Avenue, NW
Suite 500
Washington, DC 20006
(202) 331-3100

March 11, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Postpone Procedural Conference on all parties of record in these proceedings by mailing a copy thereof, properly addressed with first class postage prepaid to the following:

Timothy Berg
FENNEMORE CRAIG
3003 North Central Avenue
Suite 2600
Phoenix, AZ 85012

QWEST Corporation
1801 California Street
Suite 5100
Denver, CO 80202

Richard S. Wolters
Michel Singer Nelson
AT&T
1875 Lawrence Street
Room 1575
Denver, CO 80202-1847

Michael W. Patten
ROSHKA, HEYMAN & DEWULF
One Arizona Center
400 East Van Buren Street
Suite 800
Phoenix, AZ 85004
Attorneys for Cox Arizona Telecom, Inc.,
e-spire™ Communications, and McLeodUSA Telecommunications Services, Inc.

Michael Grant
GALLAGHER & KENNEDY
2575 East Camelback Road
Phoenix, AZ 85016-9225
Attorneys for Electric Lightwave, Inc., COVAD
Communications, Inc. and New Edge Networks

Thomas H. Campbell
LEWIS & ROCA
40 North Central Avenue
Phoenix, AZ 85007
Attorneys for Rhythms Links, Inc. and
Time Warner Telecom of Arizona, LLC

Thomas F. Dixon, Jr.
MCI WorldCom
707 17th Street
Denver, CO 80202

Darren S. Weingard
Stephen H. Kukta
SPRINT COMMUNICATIONS CO.
1850 Gateway Drive
7th Floor
San Mateo, CA 94404-2467

Scott S. Wakefield
RUCO
2828 North Central Avenue
Suite 1200
Phoenix, AZ 85004

Raymond S. Heyman
Randall H. Warner
ROSHKA, HEYMAN & DeWULF
400 East Van Buren Street
Suite 800
Phoenix, AZ 85004

Jeffrey W. Crockett
Jeffrey B. Guldner
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004-2202

Mary E. Steele
DAVIS WRIGHT TREMAINE LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Attorneys for AT&T Communications of the Mountain States, Inc.

Marti Allbright
MPOWER COMMUNICATIONS
5711 South Benton Circle
Littleton, CO 80123

Kevin Chapman
Director-Regulatory Relations
5800 Northwest Parkway
Suite 125, Room I-S-20
San Antonio, TX 78249

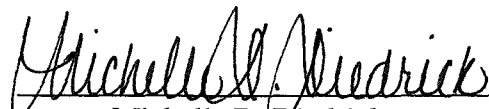
Joyce B. Hundley
United States Department of Justice
Antitrust Division
City Center Building
1401 H Street, NW
Suite 8000
Washington, D.C. 20530

Lyndon J. Godfrey
AT&T
795 Folsom Street
Suite 2104
San Francisco, CA 94107

Christopher Kempley, Chief Counsel
LEGAL DIVISION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
UTILITIES DIVISION
1200 West Washington Street
Phoenix, AZ 85007

Dated at Washington, D.C., this 11th day of March, 2003.


Michelle D. Diedrick